

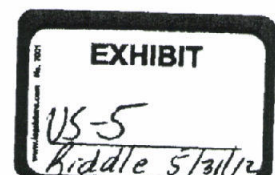
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Chapter 123 .

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1 AN ACT  
2 relating to requirements to vote, including presenting proof of  
3 identification; providing criminal penalties.  
4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
5 SECTION 1. Section 13.002, Election Code, is amended by  
6 adding Subsection (i) to read as follows:  
7 (i) An applicant who wishes to receive an exemption from the  
8 requirements of Section 63.001(b) on the basis of disability must  
9 include with the person's application:  
10 (1) written documentation:  
11 (A) from the United States Social Security  
12 Administration evidencing the applicant has been determined to have  
13 a disability; or  
14 (B) from the United States Department of Veterans  
15 Affairs evidencing the applicant has a disability rating of at  
16 least 50 percent; and  
17 (2) a statement in a form prescribed by the secretary  
18 of state that the applicant does not have a form of identification  
19 acceptable under Section 63.0101.  
20 SECTION 2. Section 15.001, Election Code, is amended by  
21 adding Subsection (c) to read as follows:  
22 (c) A certificate issued to a voter who meets the  
23 certification requirements of Section 13.002(i) must contain an  
24 indication that the voter is exempt from the requirement to present

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1 identification other than the registration certificate before  
2 being accepted for voting.

3 SECTION 3. Effective September 1, 2011, Subchapter A,  
4 Chapter 15, Election Code, is amended by adding Section 15.005 to  
5 read as follows:

6 Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS.

7 (a) The voter registrar of each county shall provide notice of the  
8 identification requirements for voting prescribed by Chapter 63 and  
9 a detailed description of those requirements with each voter  
10 registration certificate issued under Section 13.142 or renewal  
11 registration certificate issued under Section 14.001.

12 (b) The secretary of state shall prescribe the wording of  
13 the notice to be included on the certificate under this section.

14 SECTION 4. Subsection (a), Section 15.022, Election Code,  
15 is amended to read as follows:

16 (a) The registrar shall make the appropriate corrections in  
17 the registration records, including, if necessary, deleting a  
18 voter's name from the suspense list:

19 (1) after receipt of a notice of a change in  
20 registration information under Section 15.021;

21 (2) after receipt of a voter's reply to a notice of  
22 investigation given under Section 16.033;

23 (3) after receipt of a registration omissions list and  
24 any affidavits executed under Section 63.006 ~~[63.007]~~, following an  
25 election;

26 (4) after receipt of a voter's statement of residence  
27 executed under Section 63.0011;

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1           (5) before the effective date of the abolishment of a  
2 county election precinct or a change in its boundary;

3           (6) after receipt of United States Postal Service  
4 information indicating an address reclassification;

5           (7) after receipt of a voter's response under Section  
6 15.053; or

7           (8) after receipt of a registration application or  
8 change of address under Chapter 20.

9           SECTION 5. Effective September 1, 2011, Subchapter A,  
10 Chapter 31, Election Code, is amended by adding Section 31.012 to  
11 read as follows:

12           Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The  
13 secretary of state and the voter registrar of each county that  
14 maintains a website shall provide notice of the identification  
15 requirements for voting prescribed by Chapter 63 on each entity's  
16 respective website in each language in which voter registration  
17 materials are available. The secretary of state shall prescribe  
18 the wording of the notice to be included on the websites.

19           (b) The secretary of state shall conduct a statewide effort  
20 to educate voters regarding the identification requirements for  
21 voting prescribed by Chapter 63.

22           (c) The county clerk of each county shall post in a  
23 prominent location at the clerk's office a physical copy of the  
24 notice prescribed under Subsection (a) in each language in which  
25 voter registration materials are available.

26           SECTION 6. Effective September 1, 2011, Section 32.111,  
27 Election Code, is amended by adding Subsection (c) to read as

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1 follows:

2       (c) The training standards adopted under Subsection (a)  
3 must include provisions on the acceptance and handling of the  
4 identification presented by a voter to an election officer under  
5 Section 63.001.

6       SECTION 7. Effective September 1, 2011, Subsection (a),  
7 Section 32.114, Election Code, is amended to read as follows:

8       (a) The county clerk shall provide one or more sessions of  
9 training using the standardized training program and materials  
10 developed and provided by the secretary of state under Section  
11 32.111 for the election judges and clerks appointed to serve in  
12 elections ordered by the governor or a county authority. Each  
13 election judge shall complete the training program. Each election  
14 clerk shall complete the part of the training program relating to  
15 the acceptance and handling of the identification presented by a  
16 voter to an election officer under Section 63.001.

17       SECTION 8. Chapter 62, Election Code, is amended by adding  
18 Section 62.016 to read as follows:

19       Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE  
20 POLLING PLACES. The presiding judge shall post in a prominent place  
21 on the outside of each polling location a list of the acceptable  
22 forms of identification. The list must be printed using a font that  
23 is at least 24-point. The notice required under this section must  
24 be posted separately from any other notice required by state or  
25 federal law.

26       SECTION 9. Section 63.001, Election Code, is amended by  
27 amending Subsections (b), (c), (d), and (f) and adding Subsections



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1 (g) and (h) to read as follows:

2 (b) Except as provided by Subsection (h), on [On] offering  
3 to vote, a voter must present to an election officer at the polling  
4 place one form of identification described by Section 63.0101 [the  
5 voter's voter registration certificate to an election officer at  
6 the polling place].

7 (c) On presentation of the documentation required under  
8 Subsection (b) [a registration certificate], an election officer  
9 shall determine whether the voter's name on the documentation  
10 [registration certificate] is on the list of registered voters for  
11 the precinct. If in making a determination under this subsection  
12 the election officer determines under standards adopted by the  
13 secretary of state that the voter's name on the documentation is  
14 substantially similar to but does not match exactly with the name on  
15 the list, the voter shall be accepted for voting under Subsection  
16 (d) if the voter submits an affidavit stating that the voter is the  
17 person on the list of registered voters.

18 (d) If, as determined under Subsection (c), the voter's name  
19 is on the precinct list of registered voters and the voter's  
20 identity can be verified from the documentation presented under  
21 Subsection (b), the voter shall be accepted for voting.

22 (f) After determining whether to accept a voter, an election  
23 officer shall return the voter's documentation [registration  
24 certificate] to the voter.

25 (g) If the requirements for identification prescribed by  
26 Subsection (b) are not met, the voter may be accepted for  
27 provisional voting only under Section 63.011. For a voter who is

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1 not accepted for voting under this section, an election officer  
2 shall:

3 (1) inform the voter of the voter's right to cast a  
4 provisional ballot under Section 63.011; and

5 (2) provide the voter with written information, in a  
6 form prescribed by the secretary of state, that:

7 (A) lists the requirements for identification;

8 (B) states the procedure for presenting  
9 identification under Section 65.0541;

10 (C) includes a map showing the location where  
11 identification must be presented; and

12 (D) includes notice that if all procedures are  
13 followed and the voter is found to be eligible to vote and is voting  
14 in the correct precinct, the voter's provisional ballot will be  
15 accepted.

16 (h) The requirements for identification prescribed by  
17 Subsection (b) do not apply to a voter who is disabled and presents  
18 the voter's voter registration certificate containing the  
19 indication described by Section 15.001(c) on offering to vote.

20 SECTION 10. Subsection (a), Section 63.0011, Election Code,  
21 is amended to read as follows:

22 (a) Before a voter may be accepted for voting, an election  
23 officer shall ask the voter if the voter's residence address on the  
24 precinct list of registered voters is current and whether the voter  
25 has changed residence within the county. If the voter's address is  
26 omitted from the precinct list under Section 18.005(c), the officer  
27 shall ask the voter if the voter's residence, if [as] listed, on

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1 identification presented by the voter under Section 63.001(b) ~~[the~~  
 2 ~~voter's voter registration certificate]~~ is current and whether the  
 3 voter has changed residence within the county.

4 SECTION 11. Effective September 1, 2011, Chapter 63,  
 5 Election Code, is amended by adding Section 63.0012 to read as  
 6 follows:

7 Sec. 63.0012. NOTICE OF IDENTIFICATION REQUIREMENTS TO  
 8 CERTAIN VOTERS. (a) An election officer shall distribute written  
 9 notice of the identification that will be required for voting  
 10 beginning with elections held after January 1, 2012, and  
 11 information on obtaining identification without a fee under Chapter  
 12 521A, Transportation Code, to each voter who, when offering to  
 13 vote, presents a form of identification that will not be sufficient  
 14 for acceptance as a voter under this chapter beginning with those  
 15 elections.

16 (b) The secretary of state shall prescribe the wording of  
 17 the notice and establish guidelines for distributing the notice.

18 (c) This section expires September 1, 2017.

19 SECTION 12. Section 63.006, Election Code, is amended to  
 20 read as follows:

21 Sec. 63.006. VOTER WITH REQUIRED DOCUMENTATION ~~[CORRECT~~  
 22 ~~CERTIFICATE]~~ WHO IS NOT ON LIST. (a) A voter who, when offering to  
 23 vote, presents the documentation required under Section 63.001(b)  
 24 ~~[a voter registration certificate indicating that the voter is~~  
 25 ~~currently registered in the precinct in which the voter is offering~~  
 26 ~~to vote,]~~ but whose name is not on the precinct list of registered  
 27 voters~~[,]~~ shall be accepted for voting if the voter also presents a



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1 voter registration certificate indicating that the voter is  
2 currently registered:

3 (1) in the precinct in which the voter is offering to  
4 vote; or

5 (2) in a different precinct in the same county as the  
6 precinct in which the voter is offering to vote and the voter  
7 executes an affidavit stating that the voter:

8 (A) is a resident of the precinct in which the  
9 voter is offering to vote or is otherwise entitled by law to vote in  
10 that precinct;

11 (B) was a resident of the precinct in which the  
12 voter is offering to vote at the time the information on the voter's  
13 residence address was last provided to the voter registrar;

14 (C) did not deliberately provide false  
15 information to secure registration in a precinct in which the voter  
16 does not reside; and

17 (D) is voting only once in the election.

18 (b) After the voter is accepted, an election officer shall:

19 (1) indicate beside the voter's name on the poll list  
20 that the voter was accepted under this section; and

21 (2) enter the voter's name on the registration  
22 omissions list.

23 SECTION 13. Section 63.009, Election Code, is amended to  
24 read as follows:

25 Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST.  
26 ~~A [(a) Except as provided by Subsection (b), a]~~ voter who does not  
27 present a voter registration certificate when offering to vote, and



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1 whose name is not on the list of registered voters for the precinct  
 2 in which the voter is offering to vote, shall be accepted for  
 3 provisional voting if the voter executes an affidavit in accordance  
 4 with Section 63.011.

5 ~~[(b) If an election officer can determine from the voter~~  
 6 ~~registrar that the person is a registered voter of the county and~~  
 7 ~~the person presents proof of identification, the affidavits~~  
 8 ~~required by Sections 63.007 and 63.008 are substituted for the~~  
 9 ~~affidavit required by Section 63.011 in complying with that~~  
 10 ~~section. After the voter is accepted under this subsection, an~~  
 11 ~~election officer shall also indicate beside the voter's name on the~~  
 12 ~~poll list that the voter was accepted under this section.]~~

13 SECTION 14. Section 63.0101, Election Code, is amended to  
 14 read as follows:

15 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.  
 16 The following documentation is an acceptable form ~~[as proof]~~ of  
 17 photo identification under this chapter:

18 (1) a driver's license, election identification  
 19 certificate, or personal identification card issued to the person  
 20 by the Department of Public Safety that has not ~~[or a similar~~  
 21 ~~document issued to the person by an agency of another state,~~  
 22 ~~regardless of whether the license or card has]~~ expired or that  
 23 expired no earlier than 60 days before the date of presentation;

24 (2) a United States military identification card that  
 25 contains the person's photograph that has not expired or that  
 26 expired no earlier than 60 days before the date of presentation  
 27 ~~[form of identification containing the person's photograph that~~

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1 ~~establishes the person's identity~~];

2 (3) a ~~[birth certificate or other document confirming~~  
3 ~~birth that is admissible in a court of law and establishes the~~  
4 ~~person's identity,~~

5 ~~[(4)]~~ United States citizenship certificate ~~[papers]~~  
6 issued to the person that contains the person's photograph;

7 (4) ~~[(5)]~~ a United States passport issued to the  
8 person that has not expired or that expired no earlier than 60 days  
9 before the date of presentation; or

10 (5) a license to carry a concealed handgun issued to  
11 the person by the Department of Public Safety that has not expired  
12 or that expired no earlier than 60 days before the date of  
13 presentation

14 ~~[(6)] official mail addressed to the person by name~~  
15 ~~from a governmental entity,~~

16 ~~[(7)] a copy of a current utility bill, bank statement,~~  
17 ~~government check, paycheck, or other government document that shows~~  
18 ~~the name and address of the voter; or~~

19 ~~[(8)] any other form of identification prescribed by~~  
20 ~~the secretary of state].~~

21 SECTION 15. Section 63.011, Election Code, is amended by  
22 amending Subsections (a) and (b) and adding Subsection (b-1) to  
23 read as follows:

24 (a) A person to whom Section 63.001(g) ~~[63.008(b)]~~ or 63.009  
25 ~~[63.009(a)]~~ applies may cast a provisional ballot if the person  
26 executes an affidavit stating that the person:

27 (1) is a registered voter in the precinct in which the